



CITY OF HAYWARD AGENDA REPORT

Meeting Date 11/21/02
Agenda Item 2

TO: Planning Commission

FROM: Tim R. Koonze, Assistant Planner

SUBJECT: **Tentative Parcel Map 7990 Including Variances to Property Widths - Thai Tran (Applicant/Owner) - Request to Subdivide Two Parcels, Approximately 18,000 \pm Square-Feet, into Three Residential Parcels, Each Approximately 6,000 Square Feet and to Allow a Variance for the Reduction of Average Lot Widths - The Property is Located at 25209 - 25211 Soto Road on the Southwest Corner of Soto Road and Berry Avenue in a RSB6 (Single-Family Residential - 6000 Square Foot Minimum Lot Size District)**

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from CEQA review; approve Tentative Parcel Map 7990 and the associated average lot width variances for the three parcels subject to the attached findings and conditions of approval.

DISCUSSION:

The request is to subdivide two parcels, approximately 18,000 \pm -square-feet total, into three parcels of approximately 6,000 square feet and approve a variance allowing reduced lot widths of 1 to 7 feet from the required 60 feet. The City of Hayward Municipal Code allows the Planning Director to administratively approve tentative parcel maps that conform to the General Plan, applicable neighborhood plan and the Municipal Code as long as no variances are required. The request for the variance for reduced lot widths must be approved by the Planning Commission.

The property is relatively flat and rectangular in shape. There are two single-story single-family homes, built in 1920 and fronting on Soto Road, which will remain. The existing fruit and pine trees will be preserved. Both street frontages are currently unimproved. Subdividing the property will provide the opportunity to develop a single-family dwelling on a third lot.

Neither existing home has a garage and the requirement to construct a two-car garage for each unit will bring the homes into compliance with minimum design standards. The garages will be designed to be compatible with the design of the existing structures.

The General Plan, including the Housing Element, policies and strategies encourage in-fill development that is compatible with the overall character of the surrounding neighborhood while maintaining and upgrading the existing housing stock. The property is within the Jackson

Triangle Neighborhood Plan that encourages preservation and promotion of single-family homes. The property is located between the Hayward BART stations; however, AC Transit's Route 77 utilizes Soto Road to provide access to both Hayward BART stations.

Conformance To City Regulations:

The *General Plan Land Use Map* designates this site as Residential Medium Density. The current zoning of RSB6 (Single-Family Residential – 6000 Square Foot Minimum Lot Size) is consistent with the *General Plan* designation. The proposed lot sizes, including lot width, are consistent with parcels in the neighborhood. The subdivision conforms to the Housing Element policies in that it is an in-fill development that includes, through the conditions of approval, upgrades to the existing homes by requiring the construction of a two-car garage for each unit. The proposal is consistent with the Jackson Triangle Neighborhood Plan in that the creation of a third parcel allows this property to be developed to its fullest potential and provides additional homeownership opportunities.

The *Zoning Ordinance* designates this site as being within the RSB6 (Single-Family Residential – 6000 Square Foot Minimum Lot Size) District. The proposed subdivision respects the permitted uses, setback requirements, height limitations and density designated for this district, however, the parcel widths proposed range from 53± feet to 59± feet where a minimum of 60 feet is required.

Prior to the City's request for street dedication along Soto Road, the subject parcels' area was 18,074 square feet. On April 17, 2002, the City purchased land for right-of-way purposes across the Soto Road property frontage reducing the overall square footage of the parcel to 17,000± square feet. There is a provision in the Zoning Ordinance that states a property cannot be deemed substandard as a result of property offered for street dedication purposes, therefore, the parcel areas indicated on the tentative map utilize the land available prior to the street right-of-way acquisition.

It is staff's opinion that the lot width variances are minor in nature and the parcel limitations were compounded by the dedication the City took along the Soto Road frontage. The proposed parcel widths are consistent with many of the properties in the neighborhood that have property widths that range between 50 and 55 feet wide. Therefore, strict application of the variance would deprive this property of privileges enjoyed by the other properties in the neighborhood.

STREETS AND UTILITIES:

A condition of the tentative parcel map will require that the owner construct curb, gutter, sidewalk, electroliers, and tie-in paving improvements along the Berry Avenue property frontage. These improvements shall be installed prior to issuance of a certificate of occupancy for the home on Lot 3. Both Berry Avenue and Soto Road are at their ultimate street width. The City Public Works Department is completing design of a project to construct the frontage improvements along Soto Road and around the curb return onto Berry Avenue. The road improvement project is

scheduled to be under construction summer 2003. Water, sewer, and storm drain mains within the abutting streets have adequate capacity to serve the project.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15332, *In-Fill Development Projects*.

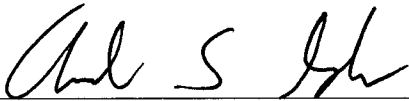
PUBLIC HEARING NOTICE:

A notice was mailed to all property owners and tenants within 300 feet of the subject property and to all interested parties regarding a preliminary meeting held on July 3, 2002. One citizen attended expressing concerns of leaving a large area vacant inviting a weed abatement problem. These same citizens were also sent notices of the Planning Commission meeting.

CONCLUSION:

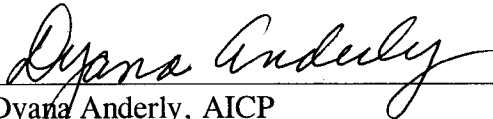
The subdivision is consistent with the *General Plan* and the *Jackson Triangle Neighborhood Plan*. Granting the lot width variance and approving the subdivision allows an existing underutilized parcel to be developed to its potential and allows for more homeownership opportunities. The requirement to construct the two-car garages for the existing homes is consistent with the goal to upgrade existing housing.

Prepared by:



FOR Tim R. Koonze
Assistant Planner

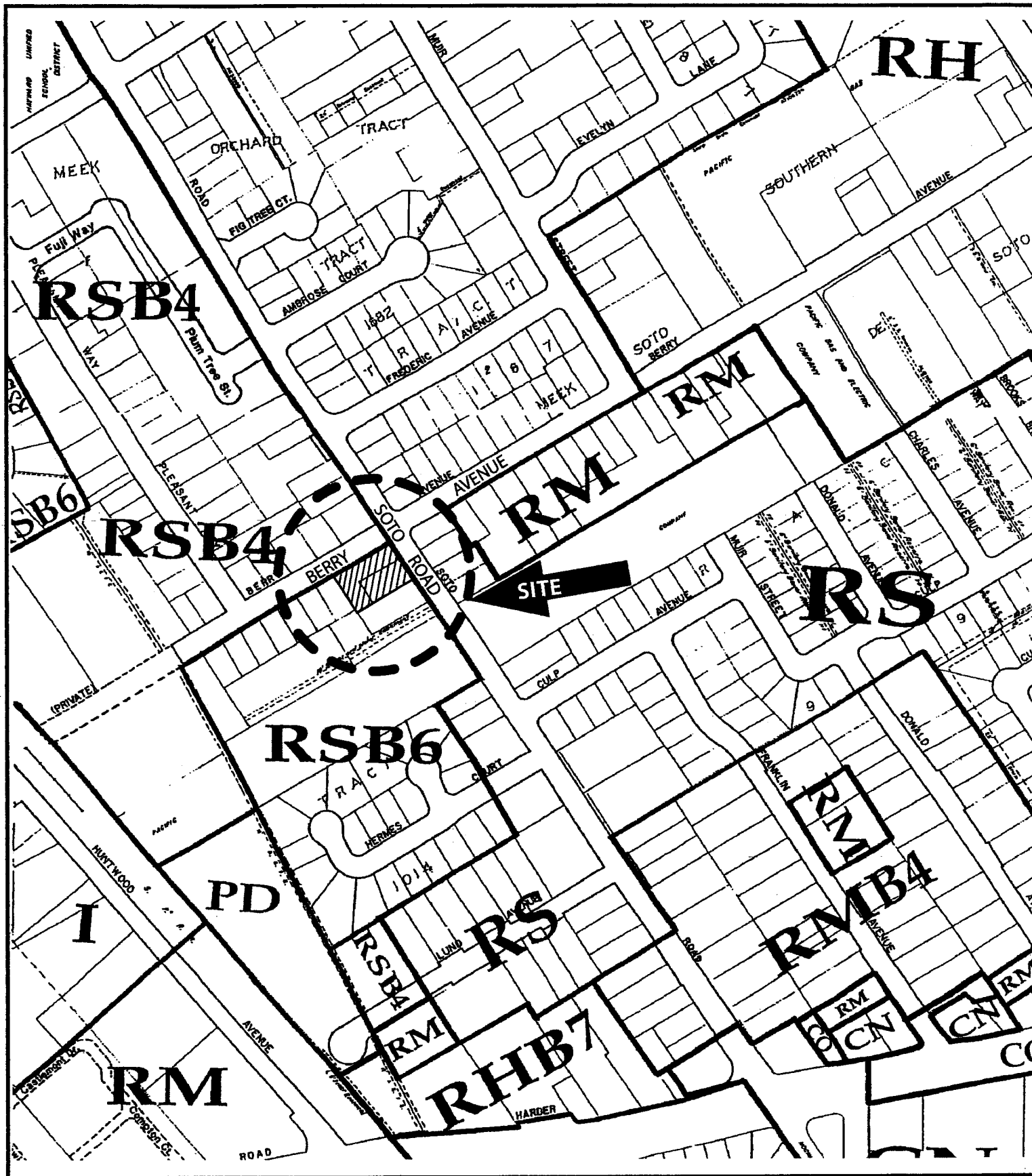
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval – Tentative Parcel Map 7990
- C. Conditions of Approval – Tentative Parcel Map 7990
- Tentative Parcel Map 7990



AREA MAP - PARCEL 7990

**FINDINGS FOR APPROVAL
TENTATIVE PARCEL MAP 7990
25209 – 25211 Soto Road**

- A. The development takes into consideration physical and environmental constraints in that approval of Tentative Parcel Map 7990, as conditioned, will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects*.
- B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the Jackson Triangle Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. Existing streets and utilities are adequate to serve the project.
- E. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.

Findings for Property Width Variance

- A. The parcel is constricted by a limited property width, but has sufficient area to create three parcels that conform to required lot sizes. A variance to property widths would allow the property to be developed consistent with surrounding lots.
- B. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the same zoning classification. Other properties have lot widths less than the required 60 feet.
- C. The variance does not constitute a grant of a special privilege as other properties have developed with lot widths less than 60 feet, the lots will meet the minimum square footage requirements, and the project density is consistent with Zoning and General Plan requirements.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 7990
25209 – 25211 Soto Road**

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The two-car garages for the existing homes on Parcels 1 and 2 shall be completed. The garage design and materials shall be consistent with the existing homes and shall meet the approval of the Planning Director. The garages shall comply with the City of Hayward Zoning Ordinance and Design Guidelines.

Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

Existing trees shall be preserved to the greatest extent possible according to the City's *Tree Preservation Ordinance*. A tree removal permit shall be required prior to the removal of any tree 10" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

2. The electrical services to the three parcels shall be underground.

PRIOR TO THE FINAL INSPECTION FOR THE GARAGE ON LOT 1:

3. All street improvements along the Berry Avenue frontage of Parcel 1 shall be completed to the satisfaction of the City Engineer. The design of the street improvements shall be approved by the City Engineer prior to the start of construction.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR LOT 3:

4. The home shall be designed so that site and elevation design meet the Planning Directors approval. The home design shall comply with the City of Hayward Zoning Ordinance and Design Guidelines.

Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

5. All street improvements along the Berry Avenue frontage shall be completed to the satisfaction of the City Engineer. The design of the street improvements shall be approved by the City Engineer prior to the start of construction.
6. Park Dedication In-Lieu Fees are required for one new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.